

Appl. No.: 10/631,022
Amdt. Dated: 02/10/2005
Off. Act. Dated: 09/16/2004

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. **Rejection of Claims under 35 U.S.C. §112, second paragraph.**

Claim 8 was rejected under 35 U.S.C. §112, second paragraph for lack of antecedent basis in lines 4 and 5. However, since Claim 8 has been canceled herein, the rejection is now moot.

2. **Rejection of Claims under 35 U.S.C. §101.**

Claims 27-32 and 33-69 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In support of the rejection, the Examiner stated that those claims recited a recording medium on which a program is stored and variations thereof, which the Examiner interpreted as recording a program per se.

In response, the Applicant respectfully notes that the Examiner has misread those claims, since the claims do not in fact claim a recording medium. To the contrary, the claims recite a computer program executable on a computer, which is clearly statutory subject matter. Therefore, the grounds for rejection are in error and the rejection should be withdrawn.

Notwithstanding the foregoing, for additional clarification and without limiting the scope of the invention in any way, the Applicant has amended independent Claims 27 and 33 to recite that the computer program that is stored on a computer readable medium and which is executable on a computer. Clearly, a computer program executable on a computer must be stored somewhere on a computer readable medium (e.g., memory, disk, tape, etc.) in order to be accessible.

Accordingly, the Applicant respectfully submits that Claims 27-32 and 33-69 recite statutory subject matter both prior to, and after, amendment herein. Also, those claims were not rejected based on prior art, and the Applicant respectfully submits that the subject matter of those claims is neither anticipated nor rendered obvious by the prior art of record. Therefore, Claims 27-32 and 33-69 are in a condition for allowance.

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3. Allowance of Claims.

The Applicant notes with appreciation the allowance of Claims 21-26.

4. Allowability of Claims.

The Applicant also notes with appreciation the Examiner's indication that Claims 2, 6, 7, 15, 19 and 20 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In order to expedite prosecution, the Applicant has amended the claims as follows:

Claim 1 has been amended to include the subject matter of Claim 2, since Claim 2 was indicated as being allowable. Claim 1 has also been amended to remove the phrase "the step of" in the 5th line since the phrase is unnecessary. Claim 2 has been canceled. Therefore, Claim 1 and dependent Claims 3-5 are in a condition for allowance.

Claim 6 has been amended into independent form to include the subject matter of Claim 1, since Claim 6 depends directly from Claim 1 and was determined to be allowable. Again, the phrase "the step of" in Claim 1 was removed since the phrase is unnecessary. Therefore, Claim 6 is in a condition for allowance.

Claim 7 has been amended into independent form to include the subject matter of Claim 1, since Claim 7 depends directly from Claim 1 and was determined to be allowable. Again, the phrase "the step of" in Claim 1 was removed since the phrase is unnecessary. Therefore, Claim 7 is in a condition for allowance.

Claim 8 has been canceled as redundant.

Claims 9 and 11 have been amended to multiple dependent form based on Claims 6 and 7, and are allowable for the reason that their base claims are allowable.

Claims 12-13 have been canceled as redundant.

Claim 14 has been amended to include the subject matter of Claim 15, since Claim 15 was determined to be allowable. Claim 15 has been canceled. Therefore, Claim 15 and dependent Claims 16-18 are in a condition for allowance.

Claim 19 was amended into independent form to include the subject matter of

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Claim 14, since Claim 19 depends directly from Claim 14 and was determined to be allowable. Therefore, Claim 19 and dependent Claim 20 are in a condition for allowance.

5. Rejection of Claims under 35 U.S.C. §102/103.

Claims 1 and 14 were rejected under 35 U.S.C. §102(e). Claims 3-5 and 16-18 were rejected under 35 U.S.C. §103. Claims 1, 14 are independent.

In view of the amendments herein as described above, the rejection of Claims 1, 3-5, 14 and 16-18 is now moot.

6. Conclusion.

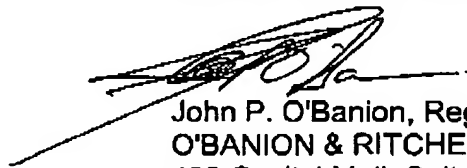
Claims 1, 3-7, 8-11, 14 and 16-69 are pending, and are allowable for the reasons set forth above. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

The claim amendments/cancellations herein are made for the purpose of expediting prosecution. All claim amendments/cancellations herein are without waiver or disclaimer of the subject matter of the claims as originally presented, and are without prejudice to filing one or more continuation or divisional applications directed to that subject matter.

The Applicant respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

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Respectfully submitted,



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